

APPEAL NO. 041000
FILED JUNE 2, 2004

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on March 25, 2004. The hearing officer determined that the appellant (claimant) did not sustain a compensable injury on _____, and that the alleged injury did not include certain left knee MRI findings of September 15, 2003.

The claimant appealed, contending that his testimony and medical evidence supported a contrary result. The respondent (self-insured) responded, urging affirmance.

DECISION

Affirmed.

It is undisputed that the claimant, a maintenance technician at one of the self-insured's facilities, stepped in a grass covered hole and fell to his left knee on _____, and that the claimant reported the claimed injury and initially complained of some left hip and left knee pain. The claimant continued to work his regular duties without seeking medical attention (the claimant testified that he was self treating with ibuprofen). On August 28, 2003, while on vacation, the claimant tripped at home and fell to his knees. The next day, August 29, 2003, the claimant sought medical care from Dr. P who diagnosed internal derangement of the left knee. The claimant testified that Dr. P told him it would be hard "to link up this matter with the old case." Dr. P ordered an MRI. The MRI was performed on September 15, 2003, and showed the claimed conditions. The claimant subsequently changed treating doctors to a chiropractor who attributed the claimant's injury to the _____, incident. The hearing officer commented that the claimant's testimony "was not credible or persuasive" and found the claimant had not sustained an injury, as defined in Section 401.011(26) on _____.

Because an individual has an accident or fall it does not automatically mean that the individual has an injury as defined in Section 401.011(26), particularly when that individual did not seek medical treatment until after an intervening event. In this case, there was conflicting evidence as to the cause of the claimed injuries. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). As the trier of fact, the hearing officer resolves the conflicts in the evidence and determines what facts have been established. The hearing officer's decision is supported by sufficient evidence and is not so against the great weight and preponderance of the evidence as to be clearly wrong and unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

The hearing officer's decision and order are affirmed.

The true corporate name of the insurance carrier is **(a self-insured governmental entity)** and the name and address of its registered agent for service of process is

**PRESIDENT & CEO
(ADDRESS)
(CITY), TEXAS (ZIP CODE).**

Thomas A. Knapp
Appeals Judge

CONCUR:

Gary L. Kilgore
Appeals Judge

Margaret L. Turner
Appeals Judge